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IPVENTURE, INC. 5150 EL CAMINO REAL SUITE A-22 LOS ALTOS, CA 94022			JEANTY, ROMAIN	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/551,825

Applicant(s)

TAM ET AL

Examiner

Romain Jeanty

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Final Office Action is in response to the communication received on October 31, 2005. Claims 1-29 are pending in the application for further examination.

### **Response to Arguments**

2. Applicant's arguments filed October 31, 2005 have been fully considered but they are not persuasive.

### **Claim Rejections - 35 USC § 112**

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 8, 14, and 21 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 1, the limitation of "wherein said method is managed by an other entity, with the another entity being independent of the service provider" is not supported by the specification. The examiner is unable to find where such limitation is disclosed in the specification. Therefore, one skilled in the art would not know how to make and/or use the invention

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Claims 2-7, 9-13, and 15-20, and 23-29 are necessarily rejected as being dependent upon the rejected claims 1, 8, 14, and 21.

### **Claim Rejections - 35 USC § 103**

3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ralston et al (US 6,389,454) in view of Detjen et al (US 5,970,466).

As per claim 1, Ralston et al teaches a computer implemented method for providing on-line appointment services ("a data processing system for scheduling an appointment at a plurality of facilities providing a plurality of services", column 3, lines 49 - 51) over a global computer network ("the central schedule server via the electronic transmission mechanism, which network may take the form of the Internet, a Local Area Network LAN, Wide Area Network WAN or even a telephone call", column 4, lines 41-44), said method comprising:

requesting an on-line appointment between a user and one of a service provider over the global computer network based on the availability information ("if the client wishes to select one of the appointments candidates, the client so notifies the scheduling server", column 5, lines 65 - 67), where wishing to select an appointment is requesting an appointment;

sending an electronic notification message to the associated one of the service providers informing the registered service provider that an online appointment has been requested with them ("the scheduling server communicates the notification to the selected facility via the facility's remote scheduling server", column 6, lines 5 - 6), where the service provider is located at the facility;

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receiving a confirmation or a decline decision for the on-line appointment being requested from the service provider ("confirms the appointment with the facility", column 6, line 22);

electronically notifying the user requesting the on-line appointment of the confirmation or decline via email ("the appointment number is transmitted to both the client and the facility at which the appointment is scheduled", column 6, lines 25 - 27), wherein the appointment number is issued when the appointment is confirmed.

Ralston does not teach registering service providers for appointments and providing appointment availability information. Detjen in the same field of endeavor, however, teaches registration of service providers for appointments using a computer ("the invention allows entry of standardized appointment types", column 1, lines 49 - 51) where ("the operator can make an appointment in the day view of the schedules by clicking in the status bar", column 5, lines 52 - 54). Appointment availability information is also taught by a view of the available appointments ("the invention also allows for weekly views of a plurality of schedules for a selected person or resource, and a monthly view of all appointments for the month, or for a specific date in the month for a specific group or resource", column 1, lines 61 - 64) where ("the invention further provides a month view screen display including a monthly calendar showing the number of appointments for each day, a file of appointments organized in columns by field, and radio buttons responsive to user inputs for listing all appointments for the month or for listing appointments by at least one of by day, by group and by resource", column 2, lines 7 - 13), and where an appointment is not available if a name is in the given time slot (figure 2). Both Ralston and Detjen are analogous art because both inventions teach

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scheduling of appointments between customers and service providers. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Ralston appointment scheduling system with the Detjen appointment scheduling system so as to incorporate a calendar interface that would clearly display to a non-technical user the ability to see the appointment availability of a service provider who's appointment schedule is registered on the system because this would make the system easy to use and a system that is easy to use is usable by a larger group of customers, making such a combination of inventions more marketable to a larger group of people.

Further, the combination Ralston et al and Detjen et al fails to teach wherein the on-line appointment services are available to at least one non-registered service provider on a limited basis, which can motivate the non-registered service provider to become a registered service provider. However, it is well known that most businesses provide free trial memberships to potential subscribers, service providers, club members etc. It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Ralston et al and Detjen et al to include this well known feature in order to encourage a member or service provider becoming regular member.

Furthermore, the combination of Ralston et al and Detjen et al fails to teach "wherein said method is managed by an other entity, with the another entity being independent of the service providers and the user". It is noted that it is old and well known in the art to manage on-line appointment by another entity, with another entity being independent of the service providers and the user. It would have been obvious to a person of ordinary skill in the art to include this well feature into the teachings of Ralston

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et al and Detjen so that schedule can be planned when people are likely to be available.

Padwick et al "Using Microsoft Outlook 98) teaches such a well-known feature (the method is managed by Outlook. Note Page 450, and Figure 27.11 of Padwick et al.

As per claim 2, Ralston teaches a method as recited in claim 1, wherein said method further comprises subsequent to said receiving of the confirmation of the on-line appointment ("confirms the appointment with the facility", column 6, line 22), receiving a cancellation decision for the on-line appointment from the registered service provider ("the scheduling system of the present invention also includes the capability of handling the rescheduling or canceling of previously-scheduled appointments", column 6, lines 28 - 30) and then electronically notifying the user that the previously requested and confirmed on-line appointment has been cancelled ("the scheduling server will provide the client with options regarding the appointment, including without limitation confirmation, cancellation, and modification", column 6, lines 36 - 39).

As per claims 3 and 4, Ralston teaches an on-line method of scheduling appointments with service providers ("the client connects to the scheduling system by connecting to one of the central scheduling servers", column 4, lines 41 - 44) and having a list of service providers available in a drop down menu ("email address is filled in or can be selected from a list of addresses that were saved earlier", column 17, lines 40 - 42). Ralston does not teach registering appointments with service providers and appointment availability information, or use of an on-line directory, or a search facility.

Detjen teaches registration of service providers for appointments using a computer ("the invention allows entry of standardized appointment types", column 1, lines 49 - 51) where ("the operator can make an appointment in the day view of the

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schedules by clicking in the status bar", column 5, lines 52-54). Appointment availability information is also taught ("the invention also allows for weekly views of a plurality of schedules for a selected person or resource, and a monthly view of all appointments for the month, or for a specific date in the month for a specific group or resource", column 1, lines 61 - 64) where ("the invention further provides a month view screen display including a monthly calendar showing the number of appointments for each day, a file of appointments organized in columns by field, and radio buttons responsive to user inputs for listing all appointments for the month or for listing appointments by at least one of by day, by group and by resource", column 2, lines 7 - 13), and where an appointment is not available if a name is in the given time slot (figure 2). Detjen also teaches an on-line directory of service providers ("code is executed to display a dialog panel with lists of groups and resources", column 7, lines 45 - 46 and figure 9). Detjen also teaches a search facility ("an entry window 102 for entering a search string, a window 103 for entering a selected group, a window 104 for entering a selected resource, data boxes 105, 106 for entering a date range, data boxes 107, 108 for entering a time range, status boxes 109 for searching for all appointments 110 of a certain appointment status. The appointments 110 located in a search are displayed in a display area 111 at the bottom of the screen, and a pop-up menu 112 can be displayed with a right button mouse click on the appointment to be modified", column 8, lines 14 - 22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Ralston appointment scheduling system with the Detjen appointment scheduling system so as to incorporate a calendar interface that would clearly display to a non-technical user the ability to see the appointment



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availability of a service provider who's appointment schedule is registered on the system as well as a list of service providers who have schedules posted on the system. Similarly, a directory of service providers that could be searched would also offer a non-technical user a quick and easy interface for finding a given service provider in a group, or to find all of the service providers in a group. Both features would make the system easy to use and a system that is easy to use is usable by a larger group of customers, making such a combination of inventions more marketable to a larger group of people.

As per claim 5, Ralston teaches a method as recited in claim 1, wherein said registering of the service providers over the global computer network identifies at least offered services ("which of the facilities are available to provide the requisite services", column 5, lines 31 - 32), and available appointment times ("the facilities communicate their availability back to the central scheduling server. The scheduling server then communicates the various appointment candidates directly to the client", column 5, lines 61 - 65), contact information for the registered service providers ("the identity of the available facility" (column 3, lines 4-5).

As per claims 6 and 7, Ralston teaches an on-line method for scheduling appointments between clients and service providers ("a data processing system for scheduling an appointment at a plurality of facilities providing a plurality of services", column 3, lines 49 - 51). Ralston also teaches prompting the client to enter information, ("the scheduling system prompts the client to provide client information for the purpose of scheduling an appointment. Client information includes personal data about the client such as the client's name, date of birth, social security number, address, telephone

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number", column 4, lines 46-52). However, Ralston does not teach registering service providers for appointments or use of a calendar.

Detjen teaches a system for registering service providers for appointments ("the invention allows entry of standardized appointment types", column 1, lines 49 - 51) where ("the operator can make an appointment in the day view of the schedules by clicking in the status bar", column 5, lines 52 - 54), wherein the scheduler uses a calendar interface (figures 2-4). Both Ralston and Detjen are analogous art because both inventions teach scheduling of appointments between customers and service providers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Ralston appointment scheduling system with the Detjen appointment scheduling system so as to incorporate a calendar interface that would clearly display to a non-technical user the ability to see the appointment availability of a service provider, while allowing the calendar to be used as an interface to register the appointments because this system would be easy for non-technical user to use easily, thereby allowing a greater number of people to use the device, increasing the potential customer base and increasing sales of the system.

5. Claims 8-11 are rejected under 35 U.S.C. 103(e) as being unpatentable over Ralston et al (US 6,389,454) in view of Detjen et al (US 5,970,466).

As per claim 8, Ralston discloses a method for providing an on-line appointment between a user and a service provider over a network, said method comprising:

(a) receiving a request for appointment availability of the service provider during a time period ("when the client wishes to schedule an appointment for a specific type of

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treatment, the client connects to the scheduling system by connecting to one of the central schedule servers", column 4, lines 38 - 40);

(b) determining available appointment times within the time period for the service provider ("generate a predetermined number of appointment candidates", column 5, line 20);

(c) transmitting the available appointment times to the user ("the scheduling server then communicates the various appointment candidates directly to the client", column 5, lines 64 - 65);

(d) receiving a selected appointment time from the available appointment times ("the scheduling server then communicates the various appointment candidates directly to the client. If the client wishes to select one of the appointment candidates, the client so notifies the scheduling server", column 5, lines 64 - 67), wherein the appointments that are transmitted must be received when the client selects an appointment;

(e) requesting the on-line appointment between the user and the service provider at the selected appointment time ("If the client wishes to select one of the appointment candidates, the client so notifies the scheduling server", column 5, lines 64 - 67);

(f) sending an electronic notification message to the service provider informing the service provider that the on-line appointment has been requested with them at the selected appointment time ("upon receipt of the client's notification as to which appointment candidate the client wishes to select, the scheduling server communicates the notification to the selected facility", column 6, lines 5 - 6).

Further, the combination Ralston et al fail to teach wherein the on-line appointment services are available to at least one non-registered service provider on a

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limited basis, which can motivate the non-registered service provider to become a registered service provider. However, it is well known that most businesses provide free trial memberships to potential subscribers, service providers, club members etc. It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Ralston et al to include this well known feature in order to encourage a member or service provider to becoming regular member.

Furthermore, Ralston et al fails to expressly teach "wherein said method is managed by an other entity, with the another entity being independent of the service providers and the user". It is noted that it is old and well known in the art to manage on-line appointment by another entity, with the another entity being independent of the service providers and the user. It would have been obvious to a person of ordinary skill in the art to include this well feature into the teachings of Ralston so that schedule can be planned when people are likely to be available. Padwick et al "Using Microsoft Outlook 98) teaches such a well-known feature (the method is managed by Outlook. Note Page 450, and Figure 27.11 of Padwick et al.

As per claims 9, Ralston discloses a method as recited in claim 8, wherein said method further comprises (g) receiving a confirmation or a decline decision from the service provider and updating the requested appointment, ("confirms the appointment with the facility", column 6, line 22).

As per claim 10, Ralston discloses a method as recited in claim 9, wherein said method further comprises (h) sending a notification message to the user requesting the on-line appointment informing the user of the confirmation or decline decision by the

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service provider ("an appointment confirmer for confirming the appointment in the scheduling server", column 3, lines 34 - 35).

As per claim 11, Ralston discloses a system for scheduling appointment with service providers, the system comprising:

wherein said receiving (a) of the request for appointment availability includes a time duration for the on-line appointment ("A duration is defined for each procedure.", column 5, line 48); wherein said determining (b) of the available appointment times are those times during the time period that the service provider is available for at least the time duration ("Availability masks are specified to define when an entity is available. An availability mask consists of the start time, frequency, day of week, and duration. For example, for a facility with operating hours of 9 am to 7 pm Monday through Friday, and 9 am to 12 pm on Saturday, a mask is created for each weekday beginning at 9 am for 10 hours, and one for Saturday beginning at 9 am for 3 hours." column 5, lines 43-47).

6. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ralston et al (US 6,389,454).

As per claim 12, Ralston teaches confirming an appointment ("confirms the appointment with the facility", column 6, line 22) and also teaches an availability mask that evaluates the availability of a time for an appointment by considering a number of issues ("the scheduling process considers the following issues when attempting to schedule an appointment.", column 5, lines 48 - 49). One of the issues is existing appointments ("Existing appointments for the resources required by the procedures in the schedule group", column 5, lines 58-59). Ralston does not expressly teach updating the requested appointment time to a confirmed appointment time. A general reason to do this

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would be to change the status of the confirmed appointment so that the time could not be scheduled for an appointment by another user. It would have been obvious to one of ordinary skill in the art at the time the invention was made to confirm appointment times in order to prevent them from being scheduled for appointments by other users. This would serve to prevent double booking of appointments and thus prevent frustration and irritation on the part of users who might show up for appointments and find that their appointment had been taken by another user.

As per claim 13, Ralston teaches an availability mask that evaluates the availability of a time for an appointment by considering a number of issues ("the scheduling process considers the following issues when attempting to schedule an appointment:", column 5, lines 48 - 49). One of the issues is existing appointments ("Existing appointments for the resources required by the procedures in the schedule group", column 5, lines 58 - 59). Ralston does not specifically teach rendering an appointment time unavailable. A general reason to do this would be to prevent already scheduled appointments from being booked. It would have been obvious to one of ordinary skill in the art at the time the invention was made to prevent appointment times that have already been scheduled from being scheduled again. Since the purpose of an availability masks is to define the constraints placed on determining the times available for an appointment, it is inherent that existing appointments are a constraint on scheduling a new appointment in that the existing appointments times are already taken, cannot be assigned, and are unavailable. To ignore existing appointments would lead to double booking previously scheduled appointments, therefore, Ralston discloses rendering the selected appointment time for the service provider unavailable.

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7. Claims 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ralston et al (U.S. Patent No. 6,389,454) in view of Rasansky et al (U.S. Patent No. 5,960,406).

As per claim 14, Ralston teaches a method for providing an on-line appointment over a network, said method comprising:

(b) transmitting a list of available service providers to the user ("the scheduling server then communicates the various appointment candidates directly to the client", column 5, lines 64 - 65), where an appointment candidate is a list of service providers and the times that they are available;

(c) receiving a request for appointment availability of a selected one of the available service providers ("when the client wishes to schedule an appointment for a specific type of treatment, the client connects to the scheduling system by connecting to one of the central schedule servers", column 4, lines 38 - 40);

(d) determining available time slots for the selected one of the available service providers ("generate a predetermined number of appointment candidates", column 5, line 20);

(e) transmitting the available time slots to the user ("the scheduling server then communicates the various appointment candidates directly to the client", column 5, lines 64 - 65);

(f) receiving a time slot selection from the available time slots to establish an appointment with the selected one of the available service providers ("the scheduling server then communicates the various appointment candidates directly to the client. If the client wishes to select one of the appointment candidates, the client so notifies the

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scheduling server", column 5, lines 64 - 67), wherein the appointments that are transmitted must be received when the client selects an appointment;

(i) sending an electronic notification message to the selected one of the available service providers informing the service provider that the appointment has been requested with them at the time slot selected ("upon receipt of the client's notification as to which appointment candidate the client wishes to select, the scheduling server communicates the notification to the selected facility", column 6, lines 5 - 6).

Ralston does not teach using, transmitting or updating a user's electronic calendar. Rasansky et al in the same field of endeavor, teach an on-line appointment scheduling system that uses a calendar interface, the system comprising:

(a) transmitting a user's electronic calendar to a user ("the appointment system which sends email, and thereby pushes a calendar through the Internet to users", column 3, lines 42 - 44);

(h) updating an electronic calendar for the selected one of the available service providers with the appointment ("the users record is updated in conjunction with the database table", column 15, lines 27-28);

Both inventions of Ralston et al and Rasansky et al are in the field of schedule appointments over a computer network. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Ralston service provider scheduling system with the calendar interface of the Rasansky appointment scheduling system in order to present the user with a calendar interface because calendars are old and very well known in the art of appointment scheduling. A calendar would make the device



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easier to use and would allow the users to see at a glance what appointments were to be scheduled for a specific day.

Furthermore, the combination of Ralston et al and Rasansky fails to teach wherein a non-registered service provider is able to schedule with a user the online appointment over the network on a limited basis, which can motivated the non-registered service provider to become a registered service provider. However, it is well known that most businesses provide free trial memberships to potential subscribers, service providers, club members etc. It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Ralston et al and Rasanky to include this well known feature in order to encourage a member or service provider becoming regular member.

As per claim 15, Ralston teaches a method as recited in claim 14, wherein said updating (g) and (h) indicates the appointment on the electronic calendars of the user and the selected one of the available service providers as pending ("update account information", column 7, line 45).

As per claims 16 and 18, Ralston teaches a method wherein said method further comprises (j) receiving a confirmation or a decline decision from the selected one of the available service providers for the appointment that has been requested and sending a notification message ("confirms the appointment with the facility", column 6, line 22).

As per claim 17, Ralston teaches a method as recited in claim 16, wherein said method further comprises (k) updating the user's electronic calendar and the electronic calendar for the selected one of the available service providers to reflect the confirmation or decline decision by the service provider ("confirms the appointment with the facility", column 6, line 22), wherein updating the status is inherent in confirming an appointment,

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because if it were not, then the appointment might potentially be given to some other user.

As per claims 19 and 20, Ralston teaches a method as recited in claim 18 wherein said updating (k) indicates the appointment on the electronic calendars of the user and the selected one of the available service providers as confirmed when said receiving (j) receives the confirmation decision ("confirmer for confirming the appointment in the scheduling server", column 34, lines 35) and receives the decline decision ("if the client does not want to select any of the appointment candidates, an alternative set of appointments candidates is selected", column 5, line 66 - column 6, line 1).

Ralston does not teach using an electronic calendar for scheduling the appointments.

Rasansky et al in the same field of endeavor, teaches an on-line appointment scheduling system that uses a calendar interface, wherein said updating indicates the appointment on the electronic calendars of the user and the selected one of the available service providers as pending ("the user record is updated in conjunction with the database tables. The end user may want to add a calendar insert to his personal calendar", column 15, lines 25 - 28). The reason both inventions are analogous art is because both inventions are in the field of schedule appointments over a computer network.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Ralston service provider scheduling system with the calendar interface of the Rasansky appointment scheduling system in order to present the user with a calendar interface because calendars are old and very well known in the art of appointment scheduling. A calendar would make the device easier to use and would

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allow the users to see at a glance what appointments were to be scheduled for a specific day.

8. Claims 21, and 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ralston et al (US 6,389,454) in view of Rasansky et al (U.S. Patent No. 5,960,406) and in further view of Sheldon et al (U.S. Patent No. 6,708,205).

As per claims 21, and 29, Ralston teaches an on-line appointment system, comprising an appointment server coupled to the Internet, said appointment server manages scheduling of appointments between requestors and service providers ("the present invention provides a computer-implemented method of scheduling an appointment at a plurality of facilities providing a plurality of services", column 2, lines 53 - 56);

Ralston does not teach an on-line calendar, a database or a directory of service providers.

Rasansky teaches an appointment system that uses an on-line calendar ("user places messages about events into the calendar", column 2, lines 9 - 10) to store appointment indications for the appointments scheduled with said appointment server ("computer system for scheduling events between end users", column 1, lines 66 - 67), Rasansky also teaches a database (Fig. 6, item 480, "Database Tables"). Rasansky does not teach a directory of service providers. Both inventions are analogous art because they both teach on-line computer systems that schedule appointments.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the collective teachings of Ralston and Rasansky in order to create an on-line service provider appointment scheduling system that used a calendar as

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means of displaying appointment information because calendars are an old and very well known format by which date information is conveyed. People are very familiar with calendars and thusly, incorporation of a calendar interface would make the service provider appointment scheduling device easier to use and therefore useable by a greater number of people. Furthermore, it would also be useful to incorporate the database functionality of the Rasansky device into the Ralston device in order to allow the storage of appointment data and quick retrieval of stored data. Using a database would allow information to be organized, thereby allowing for faster searches and retrieval of information, making the system faster and easier to use.

Neither Ralston nor Rasansky teaches a directory of service providers. Sheldon teaches a directory or address book (i.e., the system maintains an address book database that allows the user to add/edit/delete contact information. Note, column 17, lines 4-7) that contains email addresses (the body window displays a list of all e-mail sources. Note column 9, lines 53 - 54 and figure 4b) and fax addresses (E-fax allows a user to associate a telephone number with an email address. Note column 6, lines 22 - 24) wherein the addresses encompass all types of organizations that can provide services, ("the term commercial is meant to encompass businesses, organizations, associations, charities, not-for-profit companies, and corporations", column 3, lines 45 - 48). Furthermore, the system also registers addresses ("contains all the new e-mails from the senders who are either registered in the address book, or are not registered", column 10, lines 26 - 27). All three inventions are analogous art because they each employ email to arrange services to be provided between different parties.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Sheldon address, contact and e-mail directory functionality with the appointment scheduling system taught by the combination of Ralston and Rasansky because the storing of service provider contact information would give the system user a list of service providers to choose from and would liberate the user from the burden of typing in the same service provider addresses repeatedly. This would offer the benefit of making the system easier and faster to use.

Further, the combination of Ralston et al, Rasansky et al, and Sheldon et al fails to teach wherein the on-line appointment services are available to at least one non-registered service provider on a limited basis, which can motivate the non-registered service provider to become a registered service provider. However, it is well known that most businesses provide free trial memberships to potential subscribers, service providers, club members etc. It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Ralston et al and Rasansky et al, and Sheldon et al to include this well known feature in order to encourage a member or service provider becoming regular member.

Furthermore, the combination of Ralston et al and Detjen et al fails to teach “wherein said method is managed by an other entity, with the another entity being independent of the service providers and the user”. It is noted that it is old and well known in the art to manage on-line appointment by another entity, with another entity being independent of the service providers and the user. It would have been obvious to a person of ordinary skill in the art to include this well feature into the teachings of Ralston et al and Detjen so that schedule can be planned when people are likely to be available.

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Padwick et al "Using Microsoft Outlook 98) teaches such a well-known feature (the method is managed by Outlook. Note Page 450, and Figure 27.11 of Padwick et al.

As per claims 23-24, Neither Ralston or Rasansky teaches a directory of service providers or including information on non-registered service providers. Shelton in the same field of endeavor, teaches a system that contains a directory of registered users ("the system maintains an address book database that allows the user to add/edit/delete contact information", column 17, lines 4 - 7) and also allows those that have not yet registered with said appointment server to populate the directory with basic information ("the hold/new sender section contains all the new e-mails from the senders who are either registered in the address book and have a hold/new sender status for the suffix account in the access book, or are not registered in the address book", column 10, lines 25-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Sheldon address book and directory that allows not registered user information to be stored with the combination of Ralston and Rasansky because the storing information on service provider that are not registered could be useful when it comes time to register the unregistered service providers. Storing this basic contact information would allow those service providers to register without entering the basic information into the system again, as it is already stored. This would offer the benefit or making it easier and faster to register new service providers, since allowing the data from non-registered service providers is stored and easily used to register a non-registered service provider at a later date.

As per claims 25, 27, Ralston teaches an on-line appointment system as recited in claim 24, wherein said appointment server issues notifications to the service providers

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regarding the appointments that have been scheduled ("upon receipt of the client's notification as to which appointment candidate the client wishes to select, the scheduling server communicates the notification to the selected facility", column 6, line 3 - 6), where the facility is the service provider's facility or location.

As per claim 26, Ralston teaches an on-line appointment system as recited in claim 25, wherein said wherein the notifications inform the service providers of requested appointment ("upon receipt of the client's notification as to which appointment candidate the client wishes to select, the scheduling server communicates the notification to the selected facility", column 6, line 3 - 6), or cancelled appointments ("if the client wishes to cancel the appointment, the scheduling server will notify the facility at which the appointment is scheduled to occur", column 6, lines 39 - 42), where the facility is the service provider's facility or location.

As per claim 28, Ralston teaches an on-line appointment system as recited in claim 27, wherein when one of the service providers to receive a notification has not previously registered with said appointment server, the notification is transmitted to the one of the service providers via the facsimile number for the one of the service providers in the directory ("the client connects to the scheduling system by connecting to one of the central schedule servers via the electronic transmission mechanism, which network may take the form of the Internet, a local area network, wide area network, or even a telephone call", column 4, lines 40 - 44), wherein the facsimile is transmitted via the same lines and in the same manner as a telephone call.

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**Remarks**

9. Applicants argue on page 11 that the appointment server enables service providers to register therewith so as to receive appointments with users. The various service providers are thus accessible through the Internet. There are thus three distinct entities involved: the user/requester, the service providers, and the entity hosting the appointment server. The examiner respectfully disagrees because claim 1 for example, does not recite any entity hosting the appointment server. In fact, there is no server being cited in claim 1. Therefore, one skilled in the art would not know how to make and/or use the invention

Applicants asserted that Rasansky and Ralston do not teach the disclosed invention. Applicants supported their assertion by arguing (page 15 lines 25-26) that Ralston not taught or suggested notifying a user requesting an online appointment of its confirmation or decline via email. In response the examiner respectfully disagrees with applicants' arguments because Ralston does disclose notifying users of appointment requests by Email. Applicants are directed to col. 8, lines 17-38).

Applicants further argue that there is no teaching or suggestion in either Ralston or Detjen for any registration of service providers who have not registered. In response to applicants' arguments that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21



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USPQ2d 1941 (Fed. Cir. 1992). In this case, incorporating this feature into Ralston and Detjen would have been obvious to a person of ordinary skill in the art with the motivation to encourage a non registered number to become a registered member.

Applicants further argue that neither Ralston, Detjen nor Outlook teaches wherein said method is managed by another entity with the other entity being independent of the service providers. In response to applicants' seasonably challenge of the examiner's statement and request that a reference be cited to establish the same if such statement. Applicant is directed to col. 5, lines 23-28 of U.S. Patent No. 5,918,207 issued to McGovern, which teaches a service provider being independent from an or organization/entity. It would have been obvious to a person of ordinary skill in the art to incorporate this well known teaching into Ralston and Detjen with the motivation to provide a customer with a service provider having the correct skill.

Applicants further argue that Ralston does not teach or suggest registering service providers to later allow a user to schedule an on-line appointment. In response, the examiner respectfully disagrees with applicants' arguments because Ralston does teach the concept of a lowering client/user to modify a service provider's schedule. Note col. 6, lines 27-51.

### **Conclusion**

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

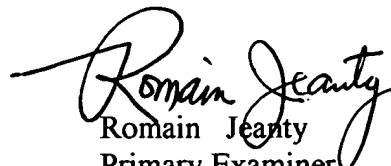
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Romain Jeanty  
Primary Examiner  
Art Unit 3623  
1-23-06